

REMARKS

Claims 1 to 14 are all the claims pending in the application, prior to the present amendment.

The Examiner has indicated that the present application contains allowable subject matter. In particular, the Examiner states that claims 4 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form, including all of the recitations of the base claim and any intervening claims.

In view of this indication of allowable subject matter, applicants have amended the claims by incorporating the recitations of claims 4 and 9 into claims 1 and 6, respectively, and have canceled claims 4 and 9.

In this connection, applicants note that in amended claims 1 and 6, they have included "potato starch" in the ungelatinized starch. Support for this addition is found at page 16, Table 1, Sample No. 6 and page 21, Table 4, Sample No. 3-5, wherein the ungelatinized starch of Sample No. 6 (potato starch) is used.

Claims 1-14 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite with respect to the term "doughnut like a dumpling covered with sesame seeds."

In response, applicants have amended the claims to delete the phrase "like a dumpling covered with sesame seeds." Thus, the claims now simply recite "a doughnut."

Claims 13-14 are objected to under 37 C.F.R. §1.75(c) as being in improper form, because a multiple dependent claim cannot reference to two sets of claims to different features. The Examiner states that claims 13 and 14 have not been treated on the merits.

In response, applicants have amended claims 13 and 14 as set forth above to remove improper multiple dependencies.

Applicants note that claims 13 and 14 depend, either directly or indirectly, from claim 1, which contains the allowable subject matter of claim 4. Accordingly, applicants submit that claims 13 and 14 are allowable.

Claims 1-3, 6-8, and 11-12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,039,997 to Mizoguchi et al.

In addition, claims 5 and 10 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Mizoguchi et al in view of U.S. Patent No. 6,881,429 to Geng et al.

Of the above claims, claims 1 and 6 are the only independent claims. As discussed above, applicants have amended claims 1 and 6 to incorporate the allowable subject matter of claims 4 and 9, respectively. In view of these amendments, applicants submit that all of the claims that remain in the application are allowable over the prior art. Accordingly, applicants request withdrawal of these rejections.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
Application No. 10/652,249

Attorney Docket No. Q76852

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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